

## United States District Court

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CRIMINAL COMPLAINT

RICHARD W. LINT  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA., S.J.

Sm

NORTHERN  
UNITED STATES OF AMERICA

DISTRICT OF

CALIFORNIA

V.

CERVANTES, MIGUEL SANTIAGO

a/k/a: RAMIREZ, EDGARDO

CASE NUMBER:

06 70793

HRL

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than October 05, 2006 in Monterey County in the Northern District of California defendant(s) did, (Track Statutory Language of Offense)

Unlawfully re-enter and was found in the United States after deportation, without the permission of the Attorney General or the Secretary of the Homeland Security.

in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:-  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and

a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant / government will request detention.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

12/7 2006

at San Jose, California

City and State

Howard R. Lloyd

United States Magistrate Judge

Name &amp; Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT OF SPECIAL AGENT PERCY ORUM**

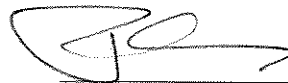
I am a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), formerly known as the United States Immigration and Naturalization Service ("INS"). The departmental change from INS to ICE became effective on March 01, 2003, pursuant to Executive Orders of the Homeland Security Act.

I have been employed with INS/ICE since March 05, 1980. I am currently assigned to the Alien Criminal Apprehension Program ("ACAP") Unit of the San Jose Sub-office. In such capacity, I have reviewed the official file relating to the below named individual, which attests to the following:

- (1) CERVANTES, MIGUEL SANTIAGO ("CERVANTES") a/k/a ("RAMIREZ, EDGARDO") is a 31-year-old male native and citizen of Mexico, who has used five (05) aliases and two (02) dates of birth in the past.
- (2) CERVANTES, has been assigned one (1) Alien Registration Number of A070 709 106, FBI Number of: 447060VA9, Monterey County Booking Number of: 610965, and a California Criminal Information Index number of: A10449802.
- (3) On June 07, 2000, CERVANTES was convicted in the Superior Court of the State of California, in and for the County of Monterey, for the offense of UNLAWFUL SEXUAL INTERCOURSE WITH A MINOR, in violation of Section 261.5(D) of the California Penal Code. This is defined as an aggravated felony under Title 8, United States Code, Section 1101(a) (43)(A).
- (4) A check through ICE's records shows that CERVANTES was arrested and deported on one (01) occasion from the United States: on October 15, 2004 at Nogales, Arizona.
- (5) CERVANTES last entered the United States at or near an unknown place and date after October 15, 2004, by crossing the international border without inspection subsequent to deportation.
- (6) CERVANTES, on a date unknown but no later than October 05, 2006, at Monterey County Jail, Salinas, California, was found to be unlawfully present in the United States after prior arrest and deportation, without the permission of the Attorney General or the Secretary of the Homeland Security, in violation of Title 8, United States Code, Section 1326.
- (7) On October 05, 2006, CERVANTES was interviewed by Your Affiant at the Monterey County Jail, Salinas, California, Northern District of California. During that interview, in Spanish, CERVANTES was advised of his Miranda rights. CERVANTES refused to waive his rights and to give a sworn statement.

- (8) Information concerning alienage, prior deportation and CERVANTES's failure to obtain permission from the Attorney General or the Secretary of the Homeland Security to return to the United States after deportation was obtained from CERVANTES's alien file, ICE, state, FBI, and local checks.
- (9) On October 05, 2006, CERVANTES provided <sup>his</sup> right thumb and right index fingerprints on the sworn statement form. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with CERVANTES's fingerprints on the executed Warrant of Deportation. The latent print examiner determined that the fingerprints were identical and related to CERVANTES.
- (10) There is no record in the official file of the United States Department of Homeland Security, Immigration and Customs Enforcement that CERVANTES ever applied to the Attorney General or the Secretary of the Homeland Security to reenter the United States after deportation.
- (11) CERVANTES is currently in custody at the Monterey County Jail, Salinas, California on states charges with a pending release date.
- (12) On the basis of the above-described information, there is probable cause to believes that CERVANTES illegally entered the United States, in violation of Title 8, United States Code, Section 1326. CERVANTES was found in the United States after having been deported, and he had not sought permission from the United States Attorney General or the Secretary of the Homeland Security to re-enter the United States.

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Percy Orum  
Special Agent  
U.S. Immigration and Customs  
Enforcement

Subscribed and sworn to before me this 7 day of Dec., 2006.



HOWARD R. LLOYD  
UNITED STATES MAGISTRATE  
JUDGE